

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

**OUTSOURCING FACILITIES
ASSOCIATION, ET AL.,**

Plaintiffs,

v.

No. 4:25-cv-0174-P

**UNITED STATES FOOD AND DRUG
ADMINISTRATION, ET AL.,**

Defendants.

ORDER

Before the Court are Plaintiffs' counsel, Andrew M. Grossman's and Marc N. Wagner's applications for admission *pro hac vice*. ECF Nos. 8, 9. Having considered the application, the Court finds that it should be, and hereby is, **DENIED**.

Local Rule 83.9(a) allows a licensed attorney who is not admitted to practice in the Northern District of Texas to represent a party in proceedings in this Court only by permission of the presiding judge. *See* N.D. Tex. L.R. 83.9(a). Subsection (b) allows a non-admitted attorney to apply for admission *pro hac vice*. N.D. Tex. L.R. 83.9(b).

Although federal courts commonly permit out-of-state lawyers to appear *pro hac vice*, such practice is guaranteed neither by statute nor by the Constitution. *See e.g., Leis v. Flynt*, 439 U.S. 438, 443 (per curiam) ("The Constitution does not require that because a lawyer has been admitted to the bar of one State, he or she must be allowed to practice in another."), *reh'g denied*, 441 U.S. 956 (1979). *Pro hac vice* literally means "[f]or this occasion or particular purpose." *Pro hac vice*, Black's Law Dictionary (11th ed. 2019). "An admission *pro hac vice*, therefore, means that a lawyer has been admitted to practice in a jurisdiction for a particular case only." *Eagle Ins. Co. v. Johnson*, 982 F. Supp. 1456, 1459 (M.D. Ala. 1997) (internal quotation marks omitted). Accordingly, "[a]dmission *pro hac vice* is temporary and limited in character and is

not intended to be requested by a practitioner on a frequent basis.” *Mateo v. Empire Gas Co.*, 841 F. Supp. 2d 574, 579 (D.P.R. 2012) (citation and internal quotation marks omitted); *see also Frazier v. Heebe*, 482 U.S. 641, 647 (1987) (characterizing attorneys appearing *pro hac vice* as “one-time or occasional practitioners”).

A CM/ECF query reveals that Mr. Grossman has submitted three applications and Mr. Wagner has submitted four applications for admission *pro hac vice* (including the current applications) in the Northern District of Texas, within the last 12 months. In the undersigned’s view, this makes Mr. Grossman and Mr. Wagner frequent practitioners such that *pro hac vice* admission is no longer appropriate. *See Mateo*, 841 F. Supp. 2d at 581 (holding applicant’s four appearances in previous year supported denial of *pro hac vice* application because applicant was not “occasional” practitioner). Accordingly, the applications for admission *pro hac vice* (ECF Nos. 8, 9) should be, and hereby are, **DENIED**. The Court encourages Mr. Grossman and Mr. Wagner to file applications to be admitted to practice in this Court and would happily welcome them as members of the bar.

SO ORDERED on this **3rd day of March 2025**.

A handwritten signature in dark ink, reading "Mark T. Pittman", with a horizontal line extending to the right.

MARK T. PITTMAN
UNITED STATES DISTRICT JUDGE